

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE RAY BEASLEY,

Petitioner,

v.

CLAUDE E. FINN, et al.,

Respondents.

CIV-S-05-0851 DFL PAN P

MEMORANDUM OF OPINION
AND ORDER

On December 7, 2005, respondents filed a request for reconsideration of the magistrate judge's order filed November 23, 2005, denying without prejudice their motion to dismiss and directing them to file within thirty days an answer to petitioner's application for writ of habeas corpus. Under E.D. Local Rule 72-303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law."

The court has previously addressed this issue in Johnson v. Finn, No. 05-385 (E.D. Cal. March 31, 2006). In that case, the court found that California state law created a narrow liberty interest in parole. Id. at 2-3. Based on the court's previous ruling in Johnson, the respondents' motion is denied.

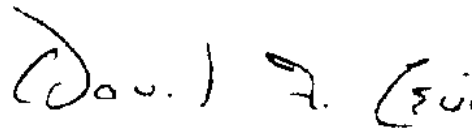
Therefore, IT IS HEREBY ORDERED that:

1. Upon reconsideration, the order of the magistrate judge filed November 2005, is affirmed.

2. Respondents shall file and serve an answer to the petitioner within forty-five days from the date of this order.

3. Petitioner's traverse shall be filed and served not later than thirty days thereafter.

Dated: 6/13/2006

A handwritten signature in dark ink, appearing to read "David F. Levi", is written above a horizontal line.

DAVID F. LEVI
United States District Judge